

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARILYN KUNELIUS,

Plaintiff,

v.

TOWN OF STOW, et al.

Defendants.

Civil Action No. 05-11697-GAO

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Rule 16.1 of the Local Rules of the United States District Court for the District of Massachusetts and the Court's Notice of Scheduling Conference dated October 12, 2005, counsel for the parties have conferred concerning an agenda of matters to be discussed at the scheduling conference and a proposed pretrial schedule for the case, and hereby submit the following Joint Statement:

1. Pending Motions

Pending before the Court is a Motion to Dismiss, filed jointly by all defendants. On November 3, 2005, plaintiff filed an Opposition to the Motion to Dismiss, as well as a Motion to Strike Defendants' Motion to Dismiss. Defendants intend to file an opposition to the Motion to Strike.

2. Proposed Pretrial Schedule

The parties have conferred and agree that it would be premature at this time to propose a pretrial schedule including a schedule for discovery, amendments to pleadings, and filing of motions while defendants' Motion to Dismiss the Complaint pursuant to Rule 12(b)(6) is pending before the Court. The parties suggest that they propose a pretrial schedule after the

Court has resolved the pending Motion to Dismiss. The parties presently do not anticipate any requests to modify the written discovery event limitations set forth in Federal Rule of Civil Procedure 26(b) and Local Rule 26.1(C).

3. Rule 16.1(D)(3) Certifications

The parties are submitting separately their certifications regarding consultation on litigation budgets and alternative dispute resolution as required by Local Rule 16.1(D)(3).

Respectfully submitted,

MARILYN KUNELIUS

By her attorney,

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Dated: November 9, 2005

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THE TRUST FOR PUBLIC LAND

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